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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

IMMIGRANT LEGAL RESOURCE CENTER;  
EAST BAY SANCTUARY COVENANT;  
COALITION FOR HUMANE IMMIGRANT  
RIGHTS; CATHOLIC LEGAL IMMIGRATION  
NETWORK, INC.; INTERNATIONAL RESCUE  
COMMITTEE; ONEAMERICA; ASIAN  
COUNSELING AND REFERRAL SERVICE;  
ILLINOIS COALITION FOR IMMIGRANT  
AND REFUGEE RIGHTS,

Plaintiffs,

v.

ALEJANDRO N. MAYORKAS, *under the title of*  
*Secretary of Homeland Security*;  
U.S. DEPARTMENT OF HOMELAND  
SECURITY; UR M. JADDOU, *under the title of*  
*Director*; U.S. CITIZENSHIP &  
IMMIGRATION SERVICES,

Defendants.

Case No. 4:20-cv-5883-JSW  
ORDER GRANTING

**JOINT STATUS REPORT AND  
STIPULATED REQUEST TO CONTINUE  
ABEYANCE**

**JURY TRIAL DEMANDED**

1 Subject to the Court's approval and pursuant to Local Rule 7-12, the parties through their  
2 undersigned counsel of record hereby stipulate and request as follows:

3 1. On February 10, 2021, the Court ordered that the case be "stayed, and all proceedings  
4 held in abeyance, to allow defendant the Secretary of Homeland Security to undertake the review  
5 contemplated by Executive Order 14,012, "Restoring Faith in Our Legal Immigration Systems and  
6 Strengthening Integration and Inclusion Efforts for New Americans," 86 Fed. Reg. 8,277 (Feb. 5,  
7 2021), signed by the President on February 2, 2021." Dkt. 113, at 4. The Court further ordered that  
8 "on or before May 13, 2021, the parties shall file a joint status report indicating whether this case  
9 and all proceedings should continue to be held in abeyance or proposing a schedule for continuing  
10 the litigation." *Id.* On May 15, 2021, the Court entered an order approving the parties' joint request  
11 to hold this case and all proceedings in abeyance. Dkt. 117, at 4. The Court further ordered that "on  
12 or before September 10, 2021, the parties shall file a joint status report indicating whether this case  
13 and all proceedings should continue to be held in abeyance or proposing a schedule for continuing  
14 the litigation." *Id.*

15 2. The Spring 2021 Unified Agenda (UA) entry for this rulemaking listed a November  
16 2021 target date for a notice of proposed rulemaking (NPRM) that would rescind and replace the  
17 changes made by the August 3, 2020 rule at issue and establish new USCIS fees. At this time, the  
18 agency has not confirmed a target date for issuing the contemplated NPRM, but expects that when  
19 the Fall 2021 UA is published, it will contain an updated target date for the contemplated NPRM.

20 3. For these reasons, the parties request that the Court continue to hold this case and all  
21 proceedings in abeyance. Furthermore, the parties request that they be permitted to file a joint status  
22 report by the earlier of January 14, 2022, or within two weeks of defendants either publishing in the  
23 Federal Register a notice of proposed rulemaking regarding a proposed new fee rule or advising  
24 plaintiffs that defendants have determined not to propose a new fee rule, indicating whether this case  
25 and all proceedings should continue to be held in abeyance or proposing a scheduling for continuing  
26 the litigation.

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Respectfully submitted,

Dated: September 9, 2021

/s/ Brian J. Stretch  
Brian J. Stretch  
SIDLEY AUSTIN LLP  
Attorney for Plaintiffs

Dated: September 9, 2021

/s/ Julie Straus Harris  
Julie Straus Harris  
U.S. DEPARTMENT OF JUSTICE  
Attorney for Defendants

**LOCAL RULE 5-1(i) ATTESTATION**


I attest that I have obtained Julie Straus Harris's concurrence in the filing of this document.

/s/ Brian J. Stretch  
Brian J. Stretch

~~PROPOSED~~ ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED that this case shall remain stayed, and all proceedings held in abeyance, to allow the defendant Secretary of Homeland Security to either publish in the Federal Register a notice of proposed rulemaking regarding a proposed new fee rule or advising plaintiffs that defendants have determined not to propose a new fee rule. Further, by the earlier of January 14, 2022, or within two weeks of the defendants' publication of an NPRM or notification to plaintiffs that no proposal will be forthcoming, the parties shall file a joint status report indicating whether this case and all proceedings should continue to be held in abeyance or proposing a schedule for continuing the litigation.

Date: September 9, 2021

  
HONORABLE JEFFREY S. WHITE  
United States District Judge